

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
MATTHEWS MANUFACTURING, INC.,)	
)	
)	
Defendant.)	

COMPLAINT

COMES NOW Plaintiff, the United States of America, by and through its undersigned counsel, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Jane Rund, Assistant United States Attorney for said District, and for its cause of action against the Defendant, states as follows:

1. Plaintiff is the United States of America ("United States") and this Court has jurisdiction over the subject matter of this action by virtue of Title 28, United States Code, Section 1345. This is a debt collection action pursuant to the Federal Debt Collection Improvement Act of 1996, 31 U.S.C. §3701, *et seq.*
2. Defendant Matthews Manufacturing, Inc. resides within the boundaries of the Eastern Division of the Eastern District of Missouri.
3. Defendant Matthews Manufacturing, Inc. is indebted to Plaintiff United States of America in the amount \$60,253.54, which includes a current principal amount of \$35,600.00, interest of \$1,262.18, and penalties, costs, and administrative fees of \$23,391.36, pursuant to 31 U.S.C. §§ 3717(e), 3711 (g)(6), and 28 U.S.C. §527. This debt arose in connection with the

defendants' July 2015 default on \$35,600.00 of citations for violations of Occupational Safety and Health Administration codes. Attached hereto as Exhibit "1".

4. On September 2, 2015, a demand letter was sent by the U.S. Department of Labor, Occupational Safety and Health Administration. Attached hereto as Exhibit "2".

5. After Matthews Manufacturing, Inc. failed to make payments, debt was referred to the U.S. Department of Treasury, Bureau of the Fiscal Service. A demand letter was sent by the Department of Treasury, Bureau of the Fiscal Service, to Defendant Matthews Manufacturing, Inc.. Attached hereto as Exhibit "3" is the Demand Letter dated December 12, 2015.

6. Attached hereto as Exhibit "4" is a Certificate of Indebtedness prepared by the U. S. Department of the Treasury, Bureau of the Fiscal Service, acting on behalf of the U.S. Department of Labor, Occupational Safety and Health Administration, establishing the basis for Defendants' Matthews Manufacturing, Inc. liability of a total debt of \$60,253.54.

WHEREFORE, the United States of America prays for judgment against the Defendant Matthews Manufacturing, Inc. in the sum of \$35,600.00 principal, with interest of \$1,262.18, and penalties, costs and administrative fees of \$23,391.36, for a total of \$60,253.54, and for such other and further relief as the Court may deem proper.

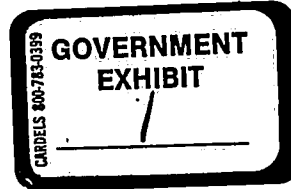
Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney


/s/ Jane Rund

JANE RUND #47298 MO
Assistant United States Attorney
111 South Tenth Street, Room 20.333
St. Louis, MO 63102
(314)539-7636 (314)539-2287 fax
Email: jane.rund@usdoj.gov

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



Citation and Notification of Penalty

To:
MATTHEWS MANUFACTURING INC.
and its successors
41 BRANCH STREET
Saint Louis, MO 63147

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015
Reply to the attention of: Strategic Team Leader

Inspection Site:
41 BRANCH STREET
Saint Louis, MO 63147

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

U.S. Department of Labor
Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on

06/01/2015. The conference will be held by telephone or at the OSHA office located at 1222

Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1059249

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147
Issuance Date: 06/01/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 1 Item 1 Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1):

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employee(s) in that employee(s) were exposed to the hazard of being caught-in:

Inside of the Sheet Metal Department, employee(s) were exposed to an amputation/laceration hazard due to a possible machine process malfunction on the following equipment:

a/ Cincinnati Shear, m/n 1812, s/n 35385.

One method of abatement to correct this apparent hazard is to install an emergency stop device as required by ANSI B11.4-2003, paragraph 6.2.4.

DISCLAIMER:

- a/ The employer is not limited to the abatement method(s) suggested by OSHA.
- b/ The employer is responsible for selecting and implementing an effective abatement method.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 1 Item 2 Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1):

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employee(s) in that employee(s) were exposed to the hazard of being caught-in:

Inside of the Sheet Metal Department, employee(s) were exposed to an amputation/laceration hazard due to a possible, inadvertent cycling of the following equipment:

a/ Cincinnati Shear, m/n 1812, s/n 35385.

One method of abatement to correct this apparent hazard is to install a cover over the treadle bar as required by ANSI B11.4-2003, paragraph 6.3.3.3.

DISCLAIMER:

- a/ The employer is not limited to the abatement method(s) suggested by OSHA.
- b/ The employer is responsible for selecting and implementing an effective abatement method.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 3 a Type of Violation: **Serious**

29 CFR 1910.101(b): Section 3.4.4., Compressed Gas Association Pamphlet P-1-1965, as adopted by 29 CFR 1910.101(b): Compressed gas cylinder(s) were not properly supported to prevent them from being knocked over:

a/ Inside of the Catch-All Area, a compressed gas cylinder partially filled with argon was not supported to prevent it from being knocked over. This cylinder was located adjacent to a parked tractor.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 1 Item 3 b Type of Violation: **Serious**

29 CFR 1910.253(b)(2)(ii): Inside of buildings, cylinder(s) were not stored in a well-protected, well-ventilated, dry location, at least 20 (6.1 m) feet from highly combustible materials such as oil or excelsior:

a/ Inside of the Gas Storage Area, four oxygen cylinders were stored with one cylinder that contained liquid propane.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/17/2015

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.136(a): The employer did not ensure that each affected employee used protective footwear when working in areas where there was a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet were exposed to electrical hazards:

a/ Inside of the Weld Area, employee(s) were not provided with steel-toed boots or the equivalent while operating the Shepard Niles Lift-A-About 2T Underslung Crane, unknown m/n or s/n, and the Coffing 2T Underslung Crane, unknown m/n or s/n.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 5 a Type of Violation: **Serious**

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of energy control procedures, employee training and periodic inspections to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

a/ The employer did not develop or implement a written lockout/tagout program for machinery such as the Standard Industrial Press Brake, m/n AB200-12, s/n F5041327.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 1 Item 5 b Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii): The procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:

a/ Inside of the Sheet Metal Department, the specific lockout/tagout procedure for the Standard Industrial Press Brake, m/n AB200-12, s/n F5041327, did not identify hydraulics as an energy source or how to isolate it.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/17/2015

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.147(d)(3): All energy isolating devices that were needed to control the energy to the machine or equipment were not physically located and operated in such a manner as to isolate the machine or equipment from the energy source(s):

Inside of the Sheet Metal Department, the following energy sources were not isolated during the changing to a die belonging to the Standard Industrial Press Brake, m/n AB200-12, s/n F5041327:

a/ Hydraulics.

b/ Gravity.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.179(m)(1): Thorough monthly inspections of rope conditions, with written, dated, and signed reports, were not performed on the running ropes:

a/ Inside of the Weld Area, monthly inspections, with written, signed, and dated reports were not performed on the running ropes belonging to the Shepard Niles Lift-A-About 2T Crane.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.184(i)(1): Synthetic web sling(s) were not marked or coded to show the rated capacities for each type of hitch and type of synthetic web material:

a/ Inside of the Weld Area, the label indicating the rated load and type of material belonging to a synthetic web sling was illegible.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings were not effectively closed:

- a/ Inside of the Reception Area, the control for the overhead lighting was missing a toggle switch.
- b/ Inside of the Assembly Area, the dual receptacle box powering overhead lighting was missing two knockouts.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard were being followed:

a/ Inside of the Sheet Metal Department, the employer did not conduct an annual inspection of the specific lockout/tagout procedure for the Standard Industrial Press Brake, m/n AB200-12, s/n F5041327.

Matthews Manufacturing Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.147(c)(6)(i), which was contained in OSHA inspection number 314153263, citation number 1, item number 50, and was affirmed as a final order on 12/29/14, with respect to a workplace located at 41 Branch Street, St. Louis, MO 63147.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$4000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 2 Item 2 a Type of Violation: Repeat

29 CFR 1910.179(j)(2)(iii): Monthly inspections of hooks, with signed reports, were not performed:

a/ Inside of the Weld Area, monthly inspections of the hooks, with signed reports, belonging to the Shepard Niles Lift-A-About, 2T Crane and the Coffing 2T Crane, were not performed.

Matthews Manufacturing Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.179(j)(2), which was contained in OSHA inspection number 314153263, citation number 1, item number 60, and was affirmed as a final order on 12/29/14, with respect to a workplace located at 41 Branch Street, St. Louis, MO 63147.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$4000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 2 Item 2 b Type of Violation: Repeat

29 CFR 1910.179(j)(2)(iv): Monthly inspections of hoist chains, with signed reports, were not performed:

a/ Inside of the Weld Area, inspections of the hoist chains, with signed reports, belonging to the Coffing 2T Crane, were not performed.

Matthews Manufacturing Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.179(j)(2), which was contained in OSHA inspection number 314153263, citation number 1, item number 60, and was affirmed as a final order on 12/29/14, with respect to a workplace located at 41 Branch Street, St. Louis, MO 63147.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/17/2015

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U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1910.184(i)(9)(iv): Synthetic web sling(s) with broken or worn stitches were not immediately removed from service:

a/ Inside of the Weld Area, the synthetic web sling used to lift metal lids possessed severely worn stitches along both sides.

Matthews Manufacturing Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.184(c)(3), which was contained in OSHA inspection number 314153263, citation number 1, item number 63, and was affirmed as a final order on 12/29/14, with respect to a workplace located at 41 Branch Street, St. Louis, MO 63147.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$4000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 2 Item 4 a Type of Violation: **Repeat**

29 CFR 1910.212(a)(1): One or more methods of machine guarding were not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

Inside of the Catch-All Department, the following machines were unguarded:

- a/ Hartwig Drilling Machine, m/n 34962-1, unknown s/n.
- b/ HAAS CNC Milling Machine, m/n VF4, s/n 41747.
- c/ Apex Vertical Sander, m/n 211, unknown s/n.

Inside of the Assembly Area, the following machine was unguarded:

- a/ JET Milling Machine, m/n M1L4, s/n 806015.

Inside of the Tool Room, the following machine was unguarded:

- a/ Cincinnati Lathe, m/n 15, unknown s/n.

Inside of the Sheet Metal Department, the following machines were unguarded:

- a/ Alliant Milling Machine, unknown m/n, s/n 10917687.
- b/ Alliant Milling Machine, unknown m/n or s/n.
- c/ Bridgeport Milling Machine, unknown m/n, s/n 055886.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

d/ Well Horizontal Band Saw, m/n 1270, s/n unknown.

e/ Cincinnati Shear, m/n 1812, s/n 35385.

Matthews Manufacturing Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.212(a)(1), which was contained in OSHA inspection number 314153263, citation number 1, item number 64, and was affirmed as a final order on 12/29/14, with respect to a workplace located at 41 Branch Street, St. Louis, MO 63147.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/17/2015
\$5600.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1059249
Inspection Date(s): 04/29/2015 - 04/29/2015
Issuance Date: 06/01/2015



Citation and Notification of Penalty

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147

Citation 2 Item 4 b Type of Violation: Repeat

29 CFR 1910.212(a)(3)(ii): Point(s) of operation (P.O.O.) of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

Inside of the Sheet Metal Department, the P.O.O. belonging to the following machines was not adequately guarded:

a/ Cincinnati Shear, m/n 1812, s/n 35385.

b/ Standard Industrial Press Brake, m/n AB200-12, s/n F5041327, at the front and both sides.

Matthews Manufacturing Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 29 CFR 1910.212(a)(3)(ii), which was contained in OSHA inspection number 314153263, citation number 1, item number 65, and was affirmed as a final order on 12/29/14, with respect to a workplace located at 41 Branch Street, St. Louis, MO 63147.

ABATEMENT CERTIFICATION AND ABATEMENT VERIFICATION ARE REQUIRED FOR THIS VIOLATION.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/17/2015

A handwritten signature in black ink, appearing to read "W.D. McDonald".

William D. McDonald, CSP
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



INVOICE / DEBT COLLECTION NOTICE

Company Name: MATTHEWS MANUFACTURING INC.
Inspection Site: 41 BRANCH STREET, Saint Louis, MO 63147
Issuance Date: 06/01/2015

Summary of Penalties for Inspection Number	1059249
Citation 1, Serious	\$18000.00
Citation 2, Repeat	\$17600.00
TOTAL PROPOSED PENALTIES	\$35600.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



f William D. McDonald, CSP
Area Director

6/1/2015

Date

U.S. Department of Labor

Occupational Safety and Health Administration
 1222 Spruce Street Room 9.104
 Saint Louis, MO 63103
 Phone: 314-425-4249 Fax: 314-425-4289

September 02, 2015

MATTHEWS MANUFACTURING INC.
 41 BRANCH STREET
 Saint Louis, MO 63147

Inspection Number : 1059249
 Due Date : 06/30/2015
 Delinquent Date : 07/30/2015

Dear Employer:

A notification of payment due for penalties assessed under the Occupational Safety and Health Act was sent to your firm on 06/01/2015. Payment was due on the date shown above and our records show that full payment has not been received. Unless payment is already in the mail, the unpaid balance shall be deemed delinquent.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, as well as delinquent and administrative charges for overdue penalties. Interest on the unpaid balance which accrues at an annual rate of 1 percent a year from the date the payment became due has been assessed. In addition, the administrative cost of \$10.00 which has been incurred for this collection letter in order to recover the amount due has also been assessed. If the total amount due, including penalty, interest and administrative costs is not paid within one month of the date this letter is received, the matter will be referred to the National Office of the Occupational Safety and Health Administration in Washington, D.C. for further action. The National Office will assess additional interest and administrative charges. If the penalty is delinquent for more than three (3) months, a delinquent charge of six (6) percent a year accruing from the date that the debt became delinquent, will also be assessed.

Further, you should be aware that, pursuant to the provisions of the Debt Collection Act, it is the policy of the Department of Labor and the Occupational Safety and Health Administration to disclose information concerning delinquent claims to commercial credit reporting agencies, to utilize the services of private debt collectors and to report information on unpaid debts to the Internal Revenue Service. To preclude exercise of the authorities discussed above and to avoid incurring additional charges, please remit the total amount due as indicated below:

A review of our records indicates that you have paid:	\$0.00
The current unpaid balance of the total penalty assessed is:	\$35600.00
The current total of interest accrued is:	\$59.33
The current total delinquent is:	\$0.00
The current charge for administrative cost is:	\$10.00
TOTAL AMOUNT NOW DUE :	\$35669.33

Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the

DELIVERY CONFIRMATION NUMBER: 0307 0020 0001 9897 3258

(Postmark Here)

U.S. Postal Service™ Delivery Confirmation™ Receipt
 Postage and Delivery Confirmation fees must be paid before mailing.
 Article Sent To: (to be completed by mailer)

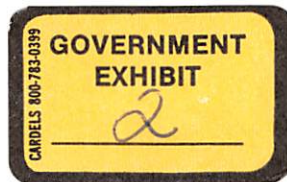
Postmark
Here

POSTAL CUSTOMER:
 Keep this receipt. For inquiries:
 Access Internet Web site at
www.usps.com
 or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail™ Service☐ First-Class Mail® parcel☐ Package Services parcel

(See Reverse)



remittance. You can also make your payment electronically on www.pay.gov. On the left side of the [pay.gov](http://www.pay.gov) homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is as follows:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

If you have recently submitted a payment covering the total amount of the penalty due, please disregard this notice. If you are unable to submit full payment at this time, or if you have any questions, please contact me immediately.

Sincerely,



f William McDonald
Area Director

DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
P. O. BOX 830794
BIRMINGHAM, AL 35283-0794

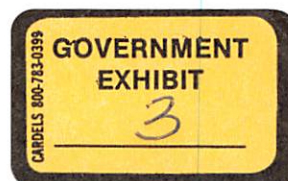


December 12, 2015

001647



MATTHEWS MANUFACTURING INC.
c/o Matt Alexander Business Contact
41 BRANCH STREET
SAINT LOUIS, MO 63147



FedDebt Case Identification: 1500324835A
Agency Debt Identification: 1059249A584431

Your unpaid delinquent debt owed to the Department of Labor, Occupational Safety and Health Admin, OSHA, has been referred to the U.S. Department of the Treasury for collection. According to the records of the Department of Labor, you owe \$36,507.65.

Collection action will continue unless you make payment, within ten (10) days from the date of this letter, in the amount of \$46,729.79, which includes all applicable fees, interest, and penalties, as of today.

If you wish to avoid further collection action and additional charges, you must immediately pay your debt. Your check or money order should be made payable to the U.S. Treasury-FS. To ensure proper credit to your account, please include the FedDebt Case Identification Number 1500324835A in the memo section of your payment. Please note that we accept credit card payments via MasterCard, Visa, Discover, or American Express. Please send your payment with the attached PAYMENT COUPON to: U.S. Department of the Treasury - FS
Debt Management Services
Post Office Box 979101
St. Louis, MO 63197-9000

You may also make an electronic payment via pay.gov:
(<https://www.pay.gov/paygov/paymydebt>).

Correspondence should be mailed to: U.S. Department of the Treasury
Debt Management Services
Post Office Box 830794
Birmingham, AL 35283-0794

If you are unable to pay your debt in full, please contact a Customer Service Representative toll free at (888) 826-3127, or the Telecommunications Device for the Deaf (TDD) at (866) 896-2947.

U. S. Department of the Treasury
Debt Management Services

DSBDL_003_ fdv1

Detach Here

00000016231500324835A DL_0032558050 108

PAYMENT COUPON

MATTHEWS MANUFACTURING INC.
c/o Matt Alexander Business Contact
41 BRANCH STREET
SAINT LOUIS, MO 63147

FedDebt Case Identification Number: 1500324835A
Amount Due: \$46,729.79
Amount Enclosed: _____

Remit to:
U.S. Department of the Treasury--FS
Debt Management Services
Post Office Box 979101
St. Louis, Mo 63196-9000

METHOD OF PAYMENT (check one):		
Make the check/money order payable to: U.S. Department of the Treasury-FS		
<input type="checkbox"/> Personal/Company Check	<input type="checkbox"/> Money Order	<input type="checkbox"/> Bank Check
<input type="checkbox"/> Visa	<input type="checkbox"/> MasterCard	<input type="checkbox"/> Discover
<input type="checkbox"/> American Express		
Credit Card Account Number: _____		
Expiration Date: _____		Authorized Amount: _____
Authorized Signature: _____		

979101 1500324835A 0004672979 5





DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and
Address (es):

Matthews Manufacturing, Inc.
41 Branch Street
St. Louis, MO 63147



Total debt due United States as of January 23, 2019:

Principal: \$35,600.00
Interest (@1.0%): \$ 1,262.18
Penalty (@6.0%): \$ 7,395.04
Admin.: \$ 20.00
Treasury & DOJ fees: \$15,976.32
(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), and 28 U.S.C. 527 Note)
TOTAL: \$60,253.54

I certify that the U. S. Department of Labor, Occupational Safety and Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated above.

The claim arose in connection with the debtor's July 2015 failure to repay a civil penalty owed to the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), stemming from seventeen employee and public safety violations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), as noted during an April 29, 2015 OSHA inspection of debtor's St. Louis, Missouri site..

CERTIFICATION: Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U. S. Department of Labor, Occupational Safety and Health Administration.

Date:

1/23/19

A handwritten signature in black ink, appearing to read "Regina Crisafulli", is written over a horizontal line.

Regina Crisafulli
Financial Program Specialist
U.S. Department of the Treasury
Bureau of the Fiscal Service

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

UNITED STATES OF
AMERICA

Plaintiff,

v.

MATTHEWS
MANUFACTURING, INC.

Defendant,

Case No.

ORIGINAL FILING FORM

**THIS FORM MUST BE COMPLETED AND VERIFIED BY THE FILING PARTY
WHEN INITIATING A NEW CASE.**

☐ THIS SAME CAUSE, OR A SUBSTANTIALLY EQUIVALENT COMPLAINT, WAS
PREVIOUSLY FILED IN THIS COURT AS CASE NUMBER _____
AND ASSIGNED TO THE HONORABLE JUDGE _____.

☐ THIS CAUSE IS RELATED, BUT IS NOT SUBSTANTIALLY EQUIVALENT TO ANY
PREVIOUSLY FILED COMPLAINT. THE RELATED CASE NUMBER IS _____ AND
THAT CASE WAS ASSIGNED TO THE HONORABLE _____. THIS CASE MAY,
THEREFORE, BE OPENED AS AN ORIGINAL PROCEEDING.

☒ NEITHER THIS SAME CAUSE, NOR A SUBSTANTIALLY EQUIVALENT
COMPLAINT, HAS BEEN PREVIOUSLY FILED IN THIS COURT, AND THEREFORE
MAY BE OPENED AS AN ORIGINAL PROCEEDING.

The undersigned affirms that the information provided above is true and correct.

Date: 10/24/19


Signature of Filing Party

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
JANE RUND, Assistant U.S. Attorney
111 South 10th Street, Room 20.333, St. Louis, MO 63102

DEFENDANTS

County of Residence of First Listed Defendant St. Louis
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
31 U.S.C. 3717(e)

Brief description of cause:

Debt owed to U.S. Dept. of Labor, Occupational Safety & Health Administration

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
60,253.54

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

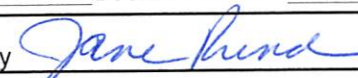
DOCKET NUMBER _____

DATE

10/24/19

SIGNATURE OF ATTORNEY OF RECORD

Jane Rund, Assistant U.S. Attorney



FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

UNITED STATES DISTRICT COURT
for the

UNITED STATES OF AMERICA

Plaintiff

v.

MATTHEWS MANUFACTURING, INC.

Defendant

Civil Action No.

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: MATTHEWS MANUFACTURING, INC.

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date:

10/24/19



Signature of the attorney or unrepresented party

JANE RUND, Assistant U.S. Attorney

Printed name

111 South 10th Street, Room 20.333
St. Louis, MO 63102

Address

Jane.Rund@usdoj.gov

E-mail address

314-539-7636

Telephone number

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
for the
Eastern District of Missouri

UNITED STATES OF AMERICA

Plaintiff

v.

MATTHEWS MANUFACTURING, INC.

Defendant

Civil Action No.

WAIVER OF THE SERVICE OF SUMMONS

To: JANE RUND, Assistant U.S. Attorney

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.